THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 26142 of 2006

Date: 04.12.2007

Between:

Pakalapati Leela @ Pulivarthi Leela and
others.

..... PETITIONERS

AND

The State Election Commission, rep. by its
Secretary, 3rd Floor, Budha Bhavan,
M.G. Road, Secunderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 26142 of 2006

Order:

This writ petition is filed seeking a declaration that the Memo No.6694/Est.A1/2006, dated 09.11.2006, issued by the 2nd respondent and the Memo No. 5334/C3/2006, dated 14.11.2006 issued by the 3rd respondent, as illegal, arbitrary and contrary to G.O. Ms. No. 7, Women's Development and Child Welfare (Estt) Department, dated 07.03.1996, and Circular No. 829/SEC-B1/2006, dated 15.06.2006 of the 1st respondent.

Petitioner Nos.1 to 6 were appointed as Anganwadi Workers for Boddanapalli, Choragudi, Veluvolu, Challapalli, Agiripalli and Suravaram Gram Panchayats of Krishna District, respectively, on a monthly honorarium of Rs.1400/-. Thereafter, on a representation made by the Anganwadi Workers Association, the Government issued G.O. Ms. No. 7, dated 07.03.1996, and in clause (ii), permission was granted to the Anganwadi workers to hold any elected post like Sarpanch etc. Subsequently, the petitioners contested in the elections and were elected as President of Boddanapalli Gram Panchayat, 11th ward member of Choragudi Gram Panchayat, President of Velivolu Gram Panchayat, 2nd ward member of Challapalli Gram Panchayat, 4th ward member of Agiripalli Gram Panchayat and 5th ward member of Suravaram Grampanchayat respectively. While so, the Government issued G.O. Ms. No. 23, dated 04.08.2001 withdrawing the benefit granted to the Anganwadi workers under clause (ii) of G.O. Ms. No. 7, dated 07.03.1996. Pursuant to the same, the respondents issued impugned notices to the petitioners asking them to choose any one post

and tender resignation to the other one. Aggrieved thereby, the present writ petition is filed.

It is contended by the learned counsel for the petitioners that the Government issued G.O. Ms. No. 7, dated 07.03.1996 only after considering the representation made by the Anganwadi Workers Association to the effect that the post of Anganwadi workers is not a full time job and the honorarium of Rs.1400/- per month paid to them is insufficient. Therefore, the amendment made to G.O. Ms. No. 7, dated 07.03.1996 by issuing G.O. Ms. No. 23, dated 04.08.2001 is illegal and arbitrary, and the petitioners are entitled to continue as Presidents and Members of the respective Gram Panchayats as well.

It is submitted by the learned Government Pleader for Women Development and Child Welfare appearing for the respondents that although the Government issued G.O. Ms. No. 7 in 1996 stating that Anganwadi workers are entitled to hold any elected post like Sarpanch, MPTC member etc., but, later it examined the matter in terms of Section 18 of the A.P. Panchayat Raj Act, which prohibits the employees of State or Central Government, or local bodies or employees of the Institutions receiving aid or funds from the government; from contesting to the offices in the Panchayat Raj Institutions, and issued G.O. Ms. No. 23, dated 04.08.2001 amending G.O. Ms. No. 7, dated 07.03.1996 by deleting Anganwadi workers from its purview and the respondents have implemented the orders of the Government. It is further submitted that this Court in Writ Petition No. 5537 of 2007, filed by one Bhukya Lakshmi Bai, challenging the amendment to G.O. Ms. No.7, dated 07.03.1996, by issuing G.O. Ms. No. 23, dated 04.08.2007 and the consequent memos, considered the very same issue and dismissed it on 02.04.2007, however, granted fifteen days time to the petitioner therein to exercise her option either to continue as Anganwadi worker or as Sarpanch/Member of the Gram Panchayat.

Heard the learned counsel for the parties. Both the counsel conceded that the issue raised in this writ petition is squarely covered by the order dated 02.04.2007 passed by this Court in W.P. No. 5537 of

2007.

In the circumstances, following the orders of this Court in W.P. No. 5537 of 2007, dated 02.04.2007, this writ petition is also dismissed, directing the petitioners to exercise their option within a period of fifteen days from today either to continue as Anganwadi workers or as Presidents/Members of the respective Gram Panchayats. No costs.

_____

N.V. RAMANA, J.

Date: 04.12.2007
Nsr